

**MARKET PLACE II
MAJOR SUBDIVISION**

STAFF REPORT FOR PLANNING BOARD

(Staff Note: This subdivision is being reviewed under the Ravalli County Subdivision Regulations as amended August 4, 2005.)

CASE PLANNER: Tristan Riddell 

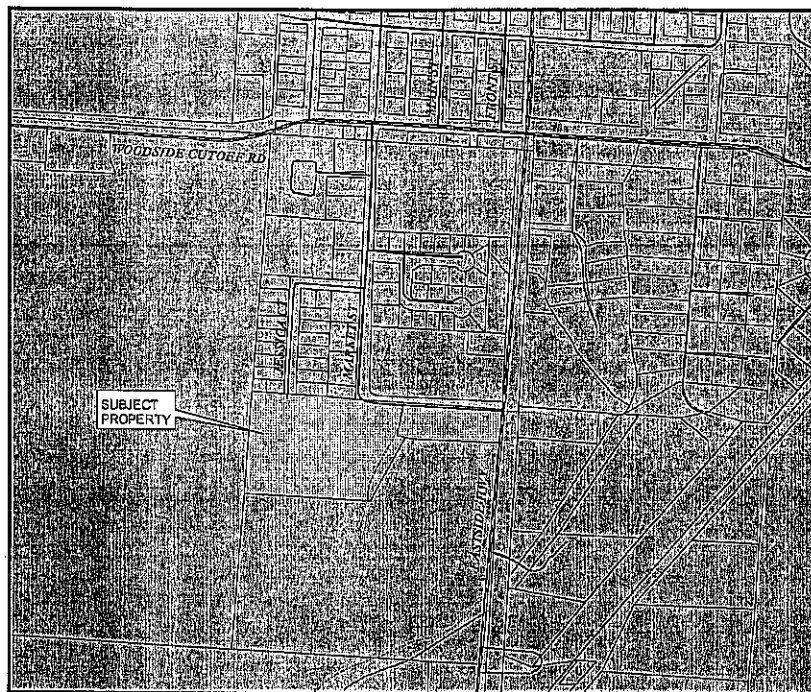
**REVIEWED/
APPROVED BY:** Renee Lemon 

PUBLIC MEETING:	Planning Board Plat Evaluation:	October 17, 2007
	Planning Board Public Hearing:	November 20, 2007
	BCC Public Meeting:	10:00am March 19, 2008
	Deadline for BCC action (60 working days):	March 21, 2008

SUBDIVIDER OWNER: MAN Enterprises, LLC
1021 Jessica Court
Corvallis, MT 59828

REPRESENTATIVE: Terry Nelson, Applebury Survey
914 U.S. Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located in Corvallis on Eastside Highway.



Map 1: Location Map
(Data Source: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

NE1/4 of Section 5, T6N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on October 10, 2007. Agencies were notified of the subdivision and comments received by the Planning Department are Exhibits A-1 through A-12 of the staff report.

LEGAL NOTIFICATION:

A legal ad was published in the Ravalli Republic on November 5, 2007. Notice of the project was posted on the property and adjacent property owners were notified of the subdivision by certified mail postmarked October 17, 2007 and regular mail March 5, 2008. No public comments have been received to date.

**APPLICABLE
REGULATIONS:**

The proposal is being reviewed under the Ravalli County Subdivision Regulations (RCSR), as amended August 4, 2005.

**DEVELOPMENT
PATTERN:**

Subject property	Residential
North	Residential/Commercial
South	Residential
East	Agricultural/Residential
West	Agricultural

RAVALLI COUNTY BOARD OF COMMISSIONERS

MARCH 19, 2007

MARKET PLACE II
THIRTY ONE-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Market Place II Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

Limitation of Access onto a Public Road. A "no ingress/egress" restriction is located along the Eastside Highway frontage of the subdivision, excepting the approach to Market Street South, which precludes vehicular access onto this State-maintained road. This limitation of access may be lifted or amended with approval of the Montana Department of Transportation. (*Effects on Local Services & Effects on Public Health and Safety*)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Painted Rocks Reservoir Dam and the Lake Como Dam. The entire property is located within the dam inundation area for the Painted Rocks Reservoir Dam and the western portion of the property is located within the Lake Como dam inundation area. The Painted Rocks Reservoir Dam and Lake Como Dam are owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). A map of the probable extent of the inundation area is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (*Effects on Public Health and Safety*)

Notification of Proximity to Willow Creek and the Bitterroot River Floodplain. This subdivision is located in close proximity to Willow Creek and the Bitterroot River Floodplain. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the stream channel. It is recommended that property owners of this subdivision obtain flood insurance. (*Effects on Natural Environment and Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife, must accept responsibility for protecting their vegetation from damage, and must confine their pets and properly store garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks (FWP) office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively see the Education portion of FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value. (*Effects on Wildlife and Wildlife Habitat*)

- a) Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b) **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c) **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- d) **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to human, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitute a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e) **Bird feeders** attract bears. If used, bird feeders should: i) be suspended a minimum of 20 feet above ground level, ii) be at least 4 feet from any support poles or points, and iii) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f) **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g) **Pet food** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, etc. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

- h) **Barbecue grills** should be stored indoors. Permanent, outdoor barbecue grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i) Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j) **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post the County-issued addresses at the intersection of the driveways leading to all residences as soon as construction on the residences begins. *(Effects on Local Services & Effects on Public Health and Safety)*

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Corvallis Rural Fire District at PO Box 721, Corvallis, MT, for further information on the requirements of the Corvallis Rural Fire District and/or the Uniform Fire Code. *(Effects on Local Services and Public Health and Safety)*

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. *(Effects on Natural Environment and Public Health & Safety)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Natural Environment)*

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. *(Effects on the Natural Environment)*

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The subdivider shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Market Street South access prior to final plat. *(Effects on Local Services and Public Health & Safety)*
5. The internal subdivision roads shall be labeled as public road and utility easement on the final plat. *(Effects on Local Services)*
6. A no ingress/egress zone shall be placed along the Eastside Highway frontage of the subdivision, excepting the approach, as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
7. Stop and road name signs shall be installed at the intersections of the internal subdivision roads and, as shown on the preliminary plat, prior to final plat approval. *(Effects on Local Services & Effects on Public Health and Safety)*
8. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. *(Effects on Local Services)*
9. The subdivider shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Effects on Local Services and Public Health & Safety)*

10. The subdivider shall provide a letter from the Corvallis Rural Fire District stating that they have provided the required 1,000 gallons per minute water supply or 2,500 gallons per lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence of a \$500 contribution made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services & Effects on Public Health and Safety)*
11. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services & Public Health and Safety)*
12. The subdivider shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications have been approved by the local post office prior to final plat approval. *(Effects on Local Services)*
13. The following statement shall be shown on the final plat, as shown on the preliminary plat: "This property is shown to be within the Painted Rocks and Como Dam Inundations Areas." *(Effects on Public Health and Safety)*
14. The subdivider shall submit evidence from the Corvallis County Sewer District showing that annexation into the district has been granted, prior to final plat approval. *(Effects on Local Services, Natural Environment, and Public Health and Safety)*
15. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". *(Effects on Local Services and Public Health & Safety)*

INTRODUCTION

Market Place II is a thirty one-lot major subdivision proposed on 10.75 acres. The property is located in Corvallis. It is located in the Corvallis School District and the Corvallis Rural Fire District. The proposal is for thirty one (31) single-family residential lots. All lots will connect to the Corvallis Sewer District and have individual wells.

Staff is recommending conditional approval of the subdivision.

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 10.75 acres will result in 31 lots that range in size from 10,006 square feet to 11,600 square feet. The property is located within the community of Corvallis off Eastside Highway. (*Market Place II Subdivision Application*)
2. None of the property has soils listed as Prime Farmland or Farmland of Statewide (U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)).
3. The property is located in an area where there is a mix of agricultural and residential uses. (Aerial Photo) To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat. (*Condition 1*)

Conclusions of Law:

1. With the recommended mitigating condition, impacts of this subdivision on surrounding agricultural practices will be minimized.
2. The creation of these lots will not take Prime Farmland or Farmland of Statewide Importance out of production.
3. By providing housing near an existing community and infrastructure, important agricultural land in other areas may be protected.
4. This subdivision will have few impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. According to the application, the property does not have water rights.
2. According to the application, there are no irrigation ditches or facilities located within 300 feet of the subject property.

Conclusion of Law:

There will be no impacts to agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. The subdivision is accessed from the east by Eastside Highway, a State-maintained highway, and from the north by Jessica Court, a privately-maintained road. The subdivider is proposing primary access from Eastside Highway and secondary access from Jessica Court. (*Market Place II Subdivision Application*)
2. In an email dated September 7, 2007 (*Exhibit A-1*), Road Supervisor David Ohnstad stated that he agreed with the subdividers' proposal that Jessica Court will serve as a secondary access to the subdivision and that the primary access would be considered the proposed Market Street South.
3. The subdivision has a preliminary approach permit from the Montana Department of Transportation (MDT) allowing an access onto Eastside Highway (*Application*).
4. In a letter dated October 17, 2007 (*Exhibit A-2*) Glen Cameron, MDT states that they "encourage the use of consolidated access locations and/or internal easements to reduce the number of access locations." During a November 13, 2007 phone conversation (*Exhibit A-3*), Glen Cameron stated that MDT typically prefers less access locations, but since a preliminary approach permit has already been granted for the proposed project, MDT will stand by their

- original recommendation to allow the approach onto Eastside Highway. A final approach permit will be required prior to final plat approval. (*Condition 4*)
5. To mitigate impacts on the road system, the subdivider shall place a "no ingress/egress" restriction along the Eastside Highway frontage of the subdivision, excepting the MDT approved approach. The "no ingress/egress" restriction shall be labeled on the final plat. A notification of the limitation of access onto a state road shall also be included in the Notifications Document. (*Conditions 1 and 6*)
 6. All lots in the subdivision are proposed to be served by an internal road system. The Road and Bridge Department has approved the preliminary road plans (*Exhibit A-4*).
 7. A General Discharge Permit for Stormwater Associated with Construction Activity from the Montana Department of Environmental Quality, road name petitions approved by the Ravalli County GIS Department for all internal roads, final road plans approved by the Ravalli County Road and Bridge Department, and engineer certification that all road improvements meet County Standards shall be submitted with the final plat application. All improvements are required to be completed prior to the final plat approval, unless a subdivision improvements guarantee with adequate security is accepted by the Board of County Commissioners. (Section 3-3-4, RCSR)
 8. In order to ensure that the public has usage of the road within this subdivision and to mitigate impacts on local services, the internal subdivision roads shall be dedicated as public road and utility easements on the final plat. (*Condition 5*)
 9. To mitigate impacts on the road system and public safety, the subdivider shall install stop signs at the intersections of the internal roads, as shown on the preliminary plat. (*Condition 7*)
 10. A Road Maintenance Agreement (*Application*) was proposed for the internal subdivision roads and is required to be submitted with the final plat application. A notification of the Road Maintenance Agreement shall be included in the Notifications document. (*Condition 1*)
 11. Wastewater treatment will be provided by connections to the Corvallis County Sewer District's Public Sewer System. Final approval from the District will be granted once a set of conditions are met. To mitigate impacts on local services, the subdivider shall meet the Sewer District's requirements as outlined in the Letters of Acceptance for Sewer Connection dated June 30, 2005 and October 18, 2006 (*Application*). Prior to final plat approval, the subdivider shall submit evidence from the Corvallis County Sewer District showing that annexation into the district has been granted. (*Condition 14*)
 12. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Condition 3*)
 13. Bitterroot Disposal provides service to this site.
 14. The subdividers are proposing cash-in-lieu of parkland dedication (*Application*). Section 6-1-7 of the Ravalli County Subdivision Regulations requires the developer to hire a real estate appraiser legally qualified to appraise undeveloped land to determine the fair market value of land prior to final plat approval. In a letter dated November 15, 2006 (*Exhibit A-5*), the Ravalli County Park Board agreed with the subdivider's proposal of cash-in-lieu of parkland.
 15. The property is located within the Corvallis School District. (*Market Place II Subdivision Application*)
 16. This proposal will add approximately 16 students to the Corvallis School District. (*Census 2000*)
 17. In a letter dated October 17, 2007, the Corvallis School District requested that proper mitigation measures be negotiated between the subdivider and the Board of County Commissioners when considering increased impacts to the School District. In addition to a contribution to offset the costs of educating additional students, the letter asks that appropriate bus turnouts and shelters be considered where appropriate. (*Exhibit A-6*).
 18. The subdivider is proposing a contribution to the Hamilton Christian Academy in the amount of \$500 per lot. No statistics or information explaining why a \$500 per lot contribution to the

Hamilton Christian Academy would mitigate impacts on schools was provided. (*Market Place II Subdivision Application*)

19. The average cost per pupil in the Corvallis School District is \$6,544. (*Exhibit A-7*)
20. To mitigate impacts of the proposal on the School District, the subdivider shall provide evidence that an amount (to be negotiated by the subdivider with the school district and Board of County Commissioners) per lot has been contributed to the Corvallis School District. (*Condition 8*)
21. The Ravalli County Public Safety Services (Sheriff, E-911, DES) provide emergency services to the area. The current level of service is not known, but it is generally understood that the Ravalli County Public Safety Services operates at an inadequate level of service. The subdivider shall negotiate with the Board of County Commissioners on an amount per lot contribution to mitigate impacts to local services. (*Condition 9*)
22. The subdivision is located within the Corvallis Rural Fire District. The Corvallis Rural Fire District has provided general comments on subdivision proposals, indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements. Additionally, the following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". Conditions of approval will meet the recommendations of the Corvallis Rural Fire District. (*Exhibit A-8*) (*Conditions 2, 10, and 15*)
23. To mitigate the impacts of this subdivision on local services and public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision is included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (*Conditions 2 and 11*)
24. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. The agency was notified of the proposal, but no comments were received to this date.
25. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 (*Exhibit A-9*) requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. (*Condition 12*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. Individual wells and connection to the Corvallis County Sewer District are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. The applicant shall submit a certification of subdivision approval from DEQ prior to final plat approval. (*Exhibit A-10*)
2. The subdivider received letters dated June 30, 2005 and October 18, 2006 (*Application*) from the Corvallis County Sewer District approving of the annexation of the proposed lots into the district. Prior to final plat approval, the subdivider shall submit evidence from the Corvallis County Sewer District showing that annexation into the district has been granted. (*Condition 14*)
3. The northeastern portion of the proposed subdivision is separated from Willow Creek by approximately 500 feet. The subdivider requested and received a Waiver of Floodplain Analysis on December 6, 2006 (*Exhibit A-11*). In the granting of the waiver request, the Ravalli

County Subdivision Administrator recommended that property owners within the proposed subdivision obtain flood insurance due to the proximity to the Bitterroot River Floodplain and because the property lies entirely within the Painted Rocks Dam Inundation area.

4. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the County recommends that home owners install EPA-certified wood stoves to reduce air pollution. (*Condition 2*)
5. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. This provision is already included in the existing Centennial Subdivision Covenants. (*Condition 2*)
9. A noxious weed and vegetation control plan is required to be filed with the final plat of each phase for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)

Conclusion of Law:

Impacts from this subdivision on the natural environment will be minimized with the requirements of final plat approval and imposition of mitigating conditions.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the Montana Fish, Wildlife, and Parks (FWP) identified big game winter range.
2. There are no species of special concern listed in the vicinity of the property. (*Montana Natural Heritage Program*)
3. The property is located within the community of Corvallis where there is already denser development. (*Aerial Photo*)
4. FWP requested that living with wildlife provisions be included in the covenants to mitigate impacts on wildlife and wildlife habitat (*Exhibit A-12*). To mitigate impacts on wildlife, the covenants shall include the living with wildlife provisions. (*Condition 2*)

Conclusions of Law:

1. Condition 2 will provide future lot owners education on how to live with wildlife.
2. By providing housing near an existing community and infrastructure, this proposal may actually protect wildlife habitat in other areas.
3. This subdivision will have few impacts on wildlife and wildlife habitat.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The proposed subdivision is located within the Corvallis Rural Fire District and with Conditions 2, 10, and 15 impacts to the District will have been addressed.
2. The Ravalli County Public Safety Services (Sheriff, E-911, DES) provide emergency services to the area. The current level of service is not known, but it is generally understood that Ravalli County Public Safety Services operate at an inadequate level of service.
3. The subdivider shall negotiate with the Board of County Commissioners on an amount per lot contribution to mitigate impacts on public health and safety. (*Condition 9*)

4. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 11*)
5. The subdivision has a preliminary approach permit from the Montana Department of Transportation (MDT) allowing an access onto Eastside Highway (*Application*). In a letter dated October 17, 2007 (*Exhibit A-2*) Glen Cameron, MDT states that they "encourage the use of consolidated access locations and/or internal easements to reduce the number of access locations." During a November 13, 2007 phone conversation (*Exhibit A-3*), Glen Cameron stated that MDT typically prefers less access locations, but since a preliminary approach permit has already been granted for the proposed project, MDT will stand by their original recommendation to allow the approach onto Eastside Highway. A final approach permit will be required prior to final plat approval. (*Condition 4*)
6. To mitigate impacts on public health and safety, the subdivider shall place a "no ingress/egress" restriction along the Eastside Highway frontage of the subdivision, excepting the MDT approved approach. The "no ingress/egress" restriction shall be labeled on the final plat. A notification of the limitation of access onto a state road shall also be included in the Notifications Document. (*Conditions 1 and 6*)
7. To mitigate impacts on the road system and public safety, the subdivider shall install stop signs, as shown on the preliminary plat, at the intersections of the internal roads. (*Condition 7*)
8. Wastewater treatment will be provided by connections to the Corvallis County Sewer District's Public Sewer System. Final approval from the District will be granted once a set of conditions are met. To mitigate impacts on local services, the subdivider shall meet the Sewer District's requirements as outlined in the Letters of Acceptance for Sewer Connection dated June 30, 2005 and October 18, 2006 (*Application*). Prior to final plat approval, the subdivider shall submit evidence from the Corvallis County Sewer District showing that annexation into the district has been granted. (*Condition 14*)
9. The northeastern portion of the proposed subdivision is separated from Willow Creek by approximately 500 feet. The subdivider requested and received a Waiver of Floodplain Analysis on December 6, 2006 (*Exhibit A-11*). In the granting of the waiver request, the Ravalli County Subdivision Administrator recommended that property owners within the proposed subdivision obtain flood insurance due to the proximity to the Bitterroot River Floodplain and because the property lies entirely within the Painted Rocks Dam Inundation area. To mitigate potential impacts on public health and safety, a notification of the Painted Rocks and Como Dam Inundation areas shall be included in the Notifications Document and a statement shall be shown on the final plat, as shown on the preliminary plat. (*Conditions 1 and 13*)
10. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. This provision is already included in the existing Centennial Subdivision Covenants. (*Condition 2*)
11. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. This provision is already included in the existing Centennial Subdivision Covenants. (*Condition 2*)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. This subdivision is subject to the settlement agreement filed in the *Lords et al. v. Ravalli* County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006 and may be affected by final adjudication from said settlement.
2. There are no existing covenants on the property.

Conclusions of Law:

1. Covenants are not present.

2. Zoning does not apply at this time.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along and within the easement/right-of-way of Eastside Highway and Jessica Court. Utility easements are proposed to be extended along each internal subdivision road.
2. According to the application, the proposed subdivision will be served by Northwester Energy and Qwest Telephone.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via the internal subdivision roads, and Eastside Highway. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

EXHIBIT A-1

Tristan Riddell

From: David Ohnstad
Sent: Friday, September 07, 2007 2:22 PM
To: Tristan Riddell; 'jgass@wgmgroup.com'
Subject: RE: Market Place II T.I.A.

Tristan --

To confirm our earlier telephone conversation, I would tend to agree that the proposed "Market Street South" would function as the primary access to the proposed subdivision and that any traffic finding its way north through Jessica Court to Market Street and Woodside Cut-Off could be considered incidental. You may want to consider "NOT A THROUGH ROUTE" or similar signs on northbound Jessica Court (not that they would be enforceable, but they may be a deterrent) if you have any reservations. I do not believe further review or consideration of the Traffic Impact Analysis that was submitted is necessary.

David

From: Tristan Riddell
Sent: Tuesday, September 04, 2007 2:07 PM
To: jgass@wgmgroup.com
Cc: David Ohnstad
Subject: Market Place II T.I.A.

Attached please find a Traffic Impact Analysis for Market Place II subdivision.

Tristan Riddell
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840
phone (406) 375-6530
fax (406) 375-6531
triddell@ravallicounty.mt.gov



Montana Department of Transportation

Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

Jim Lynch, Director
Brian Schweitzer, Governor

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OCT 18 2007

IC-07-10-1333
Ravalli County Planning Dept.

October 17, 2007

Tristan Riddell
Ravalli County Planning
215 South 4th Street; Suite F
Hamilton, MT 59840

Subject: 31-lot major subdivision "Market Place II"

Tristan, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 31-lot major residential subdivision "Market Place II". The proposed subdivision is located adjacent to the East Side Highway (S-269) just south of the Woodside Cutoff Road (S-373) in the community of Corvallis.

From the submitted information, it appears the subdivision is proposing access to the State Highway. MDT encourages the use of consolidated access locations and/or internal easements to reduce the number of access locations. MDT's first priority is the Safety and Operations of the Transportation System. If reasonable access can be attained from existing access locations or the use of joint access locations, additional access may not be granted.

Any new access or change in use of an existing access will require an approach permit to be approved by the MDT. As such, the developers will need to contact the MDT Missoula Office and complete a Driveway Approach Application & Permit; and an Environmental check list. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses. If the volume of vehicles per hour is high enough, then the approach permit will go through MDT's systems impact analysis in Helena. A Traffic Impact Study may be required for the subdivision to mitigate traffic impacts to adjacent highways.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent

EXHIBIT A-3

November 13, 2007

Planning Staff received a comment letter from MDT regarding the access for Market Place II. The comment letter contradicted the preliminary approach permit MDT had already issued for the above named subdivision. To clarify things I spoke with Glen Cameron regarding his comment letter and the previously issued approach permit. Mr. Cameron stated that the comment letter is a form letter and that after initially observing the aerial photo for the subject project, it was Mr. Cameron's opinion that the form letter was appropriate to send. Mr. Cameron continued to state that upon further review and verification that a permit had already been issued, MDT would allow for the original approach permit to stand.

Tristan Riddell

EXHIBIT A-4

Tristan Riddell

From: David Ohnstad
Sent: Wednesday, September 19, 2007 10:49 AM
To: Tristan Riddell
Subject: FW: Market Place II Preliminary Review Completion
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Prelim Review Complete with attachments091207.doc.pdf

Tristan -

I will deliver to your office copy of the preliminary design review report for referenced subdivision. The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

From: Alice Martin [mailto:AMartin@wgmgroup.com]
Sent: Wednesday, September 12, 2007 12:14 PM
To: David Ohnstad
Cc: ramengineer@hotmail.com; Tristan Riddell; Jonathan Gass
Subject: Market Place II Preliminary Review Completion

Please see the attached memo regarding the completion of our preliminary review.

Thank you.

Alice Martin

Administrative Assistant



P.O. Box 16027 • 3021 Palmer Street
Missoula • MT • 59808
E-mail: AMartin@wgmgroup.com
406-728-4611 x164 • FAX: 406-728-2476

<http://www.wgmgroup.com>

WGM Project #060703

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IC-07-09-1182
Ravalli County Planning Dept

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Phone: (406)728-4611
Fax: (406)728-2476
www.wmggroup.com

DATE: September 12, 2007

TO: David Ohnstad, Ravalli County Road & Bridge Department

CC: Ron Uemura, PE, RAM Engineering.
Tristan Riddell, Ravalli County Planning Department ✓

FROM: Jonathan L. Gass, P.E.

RE: Market Place II Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

Preliminary comments were sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 8/31/06.
- 2) Preliminary comment response from RAM Engineering, dated 9/17/06.
- 3) Preliminary comment memorandum from WGM group, dated 10/19/06.
- 4) Preliminary comment response from RAM Engineering, dated 5/5/07.
- 5) Preliminary comment memorandum from WGM Group, dated 5/22/07.
- 6) Preliminary comment response from RAM Engineering, dated 6/30/07.
- 7) Preliminary comment memorandum from WGM Group, dated 7/20/07.
- 8) Preliminary comment response from RAM Engineering, dated 7/24/07.
- 9) Preliminary comment memorandum from WGM Group, dated 8/7/07.
- 10) Preliminary comment response from RAM Engineering, dated 8/11/07.

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Ohnstad
September 12, 2007
Page 2 of 2

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



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Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: August 31, 2006
TO: Ron Uemura, PE, RAM Engineering
CC: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jonathan L. Gass, P.E.
RE: Market Place Addition Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

Roadways

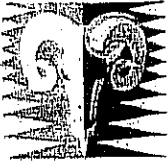
- 1) Please provide a copy of the MDT approach permit for the Eastside Highway for final plan review.
- 2) The pavement design section of the Schedule for Roadway Design does not have a detailed pavement design. The pavement section shown on the road plan is sufficient for preliminary design; however, a detailed pavement design in accordance with current regulations will be required for the review of the final plans prior to construction.
- 3) The Schedule for Roadway Design Submittal appears to be submitted for Road "A" and Road "B". The intersection sight distances appear to be for Road "B" at the Eastside Highway. Values for the intersection of Road "A" with Road "B" will be much less due to the lower design speed. Please provide the sight distance triangle for Road "A".
- 4) Please label the return radii at intersections on the final plans.

- 5) Road "B" should be designed with 100' centerline radii at the 90° turns near Lot 1 and Lot 20. Please revise plans and resubmit.

Storm Drainage

- 1) The Ravalli County Subdivision Regulation 3-2-16 (b) states that grading plans be prepared in accordance with DEQ Circular 8. Several items required by DEQ Circular 8 are not address in the drainage report. Please revise the drainage report to address the items required.
- 2) The drainage plan shows drainage along the west side of Road "B" running off site on Jessica Court. Please address how this runoff is handled on Jessica Court.
- 3) Please address if the additional runoff volumes are significant and if they are required to be retained.
- 4) The drainage plan appears to show infiltration sumps located in the ditches; however, sumps are not addressed in the storm drain report. Please clarify. If infiltration sumps are proposed, please address who will be responsible for maintenance.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



RAM Engineering

Site Planning - Civil Engineering Design
Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238
Fax (406) 363-1880
Email: ramengineer@hotmail.com

Memo

To: Jonathan L. Gass, PE
From: Ron Uemura, PE
Date: September 17, 2006
Re: Market Place II (fka Market Place Addition) Final Review Submittal

This response is in order of your preliminary review comments dated August 31, 2006:

Roadways

- ✓ 1) The roadway connection to Eastside Highway is an existing extension of Market Street from Woodside Crossing. We are improving this roadway so a new approach permit is not required. There is not record of any existing MDT approach permit.
- ✓ 2) Attached is a copy of the pavement design recommendations by Orion Engineering.
- ✓ 3) Attached is a revised Roadway Design Submittal for the Road "A" & Road "B" intersection and the Road "B" intersection with the Eastside Highway.
- ✓ 4) Attached is a set of revised construction drawings showing the inclusion of the return radii, existing potable well, and several existing building onsite that will be removed.
- 5) It is the Developer's intent to apply for a variance with the Planning Department for the radii requirement at these locations.

Storm Drainage

1,2,4) See the attached revised Drainage Report dated September 17, 2006.

- 3) Because the stormwater runoff is being directed into the various grated inlets via the roadside swales, there is no need to retain the additional runoff.



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Fax: (406)728-2476
www.wgmgroup.com

DATE: October 19, 2006
TO: Ron Uemura, PE, RAM Engineering
CC: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jonathan L. Gass, P.E.
RE: Market Place Addition Response to Design Engineer Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions. (Numbers used below reference comments from the initial preliminary comment memorandum.)

Roadways

1. Please be advised, MDT may require an approach permit for change of use. The design engineer should contact MDT and coordinate any requirements with that office.

Storm Drainage

1. Storm drain calculations were not included with the storm drain reported dated September 17, 2006. Please provide calculations showing the dry wells and existing subgrade soils meet with requirements of DEQ-8, Chapter 5. Also please provide evidence that existing subgrade soils are suitable for infiltration sumps.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



RAM Engineering

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Ph. (406) 360-4238
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Email: RAMEngineer@hotmail.com

Memo

To: Jonathan Gass, PE, WGM Group, Inc.
From: Ron Uemura, PE
CC: David Ohnstad, RCRBD; MAN Enterprises
Date: 5/5/2007
Re: Market Place Addition

This response is in order of your comments dated October 19, 2006:

Roadways

1. The owner is working with the MDOT to secure a new approach permit for the proposed development at the existing access to Eastside Highway.

Storm Drainage

1. We apologize for the omission of the storm drainage report/calculations. As you can see by the attached copy, we sent the report to the Planning Department and they were supposed to forward it to the RCRBD. Please note in 1.1.2.A that the purpose of the drywells is to reduce the velocity of the runoff in the swales, help dissipate the runoff by percolating some of it into the ground, and to collect any water-borne debris. Any excess runoff will be directed to a retention basin. It is not the intent of the drywells to disperse all of the calculated runoff, therefore no calculations were performed to verify this.

Attached are the following:

Engineering Report dated 12/2/06
Road Construction drawings printed 12/4/06

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MAY 8 2007

1
WGM GROUP

FILED 01/07/07



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Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: May 22, 2007

TO: Ron Uemura, PE, RAM Engineering

CC: David Ohnstad, Ravalli County Road & Bridge Department
Tristan Riddell, Ravalli County Planning Department

FROM: Jonathan L. Gass, P.E.

RE: Market Place Addition Response to Design Engineer Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our preliminary review comments dated October 19, 2006 for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions.

Storm Drainage

1. Storm drainage calculations for the 10-year event, and runoff mitigation plans for the 100-year event were not included with the storm drainage report dated December 2, 2006. In an overflow event, please identify where storm drainage from the retention basins will flow.
2. Are the retention basins indicated as 2 feet deep, 2 feet below the bottom of the roadside ditch grade? If so, are the side slopes appropriate to be adjacent to the roadway? If not, how will storm water be retained?

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



RAM Engineering

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Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: ramengineer@hotmail.com

Memo

To: Jon Gass, PE, WGM Group, Inc.

From: Ron Uemura, PE

CC: MAN Enterprises

Date: 6/30/2007

Re: Market Place II

This response is in order of your review comments dated 5/22/07:

- 1, 2. Attached is a revised Engineering Report for the storm drainage system that includes computations for a 2-yr, 1-hr; 10-yr, 1-hr; and a 100-yr, 1-hr storm event for the roadside swales. We have also included the calculations for a 100-yr, 24-hr storm event for the closed-basin retention basin in accordance with DEQ 8.

Also attached is a set of the revised construction plans for the roads, sewer, water, and drainage systems.

We would appreciate your expeditious review and approval.

Thank you.

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File: 060703 Sub Co No. _____



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Phone: (406)728-4611
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DATE: July 20, 2007

TO: Ron Uemura, PE, RAM Engineering

CC: David Ohnstad, Ravalli County Road & Bridge Department
Tristan Riddell, Ravalli County Planning Department

FROM: Jonathan L. Gass, P.E.

RE: Market Place Addition Response to Design Engineer Comments

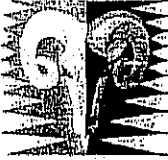
On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our preliminary review comments dated May 22, 2007 for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exception.

Storm Drainage

1. A closed-basin retention area is proposed at the intersection of Road B. DEQ-8 requires closed basin infiltration to be based on infiltration of the ground rather than percolation test of soil below the surface. Please address the infiltration capacity of the closed basin and re-submit for preliminary review.
2. The closed basin appears to capture all runoff from areas D1 and D2, not just the additional post development runoff. This would cause the basin to fill with water in frequent storm events and overtop the road or flood the area. The storm drain report indicates the basin volume to be 384 C.F. The combined 2-year, post development discharge rate for areas D1 and D2 in the report is $0.08 + 0.21 = 0.29$ CFS. Over a 1-hour period, 0.29 CFS will produce $0.29 \text{ CFS} \times 3,600 \text{ seconds} = 1,044 \text{ C.F.}$ This is greater than the basin volume.

DEQ-8 requires that roads are not over topped in the 10-year event and that property is not damaged in the 100-year event. Please review and revise this closed basin design and re-submit for preliminary review.



RAM Engineering

Site Planning - Civil Engineering Design
Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238
Fax (406) 363-1880
Email: ramengineer@hotmail.com

Memo

To: Jon Gass, PE, WGM Group Inc.
From: Ron Uemura, PE
CC: MAN Enterprises
Date: 7/24/07
Re: Market Place Addition

This is in response to your review comments of July 20, 2007:

- As required by DEQ 8, we submitted the results of a soil profile taken at the proposed closed-basin pond. DEQ 8 does not indicate how this information is to be used in calculating the pond, nor is anything shown in the sample calculations in Appendix B. Therefore, our pond size calculations are based only on evaporation, which is very conservative since most of the stormwater would typically infiltrate into the subsurface because of the gravelly soil.
- We apologize for the error of using only the additional flow from the existing and final conditions. Because of the large ponds required, however, we designed separate ponds for Areas D1 & D2.
- Per DEQ 8, we used the 2-yr, 24-hr storm frequency to determine the pond sizes.
- We have also set the finish pads for the lots near the basins at least 18" higher than the invert of the roadway swale, with the finish floor elevation to be at least 6-8" above the finish pad. This will assure that the homes will not be inundated during a 100-yr, 24-hr storm event.
- Attached is a copy of the revised closed-basin pond calculations and the Grading & Drainage Plan and Road "B" Plan & Profile.

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File 060703 Sub Co No. 8



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DATE: August 7, 2007
TO: Ron Uemura, PE, RAM Engineering
CC: David Ohnstad, Ravalli County Road & Bridge Department
Tristan Riddell, Ravalli County Planning Department
FROM: Jonathan L. Gass, P.E.
RE: Market Place Addition Response to Design Engineer Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your comment response dated 7/24/07 for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities -- Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

There are still several questions concerning storm drainage.

Storm Drainage

1. The drainage pond south of Lot 25 appears to be off the project property. Please provide evidence that the pond will be contained on the project site or an appropriate easement is provided by the adjacent landowner.
2. The closed basin ponds are designed to be full in the 2-year, 24-hour storm event. Beyond the 2-year storm event, it appears the runoff will begin to fill the roadside ditch. Please address the volume of water that will be directed to the ponds in the 10-year and 100-year storm and where this water will be directed and to what limits.
3. Your memorandum of 7/24/07 states that finish pads will be a minimum of 18" above the roadway swale with finish floor elevations 6"-8" above the finish pad. According to the plans, the lowest road elevation in the area of the ponds is 3,480.71 feet. The finish pad for Lot 25 is 3480.5 feet. Please address the situation of flooding if the closed basins are full or partially full of ice and/or snow. Will the houses have crawl spaces that are affected by flooding?
4. Detailed grading plans will be required as part of the final design review. It appears the closed basins ponds may affect the buildable area of Lot 25.

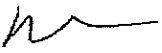


RAM Engineering

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Ph. (406) 360-4238
Fax (406) 363-1880
Email: ramengineer@hotmail.com

Memo

To: Jon Gass, PE
From: Ron Uemura, PE 
CC: MAN Enterprises
Date: 8/11/2007
Re: Market Place Addition

This response is in order of your comments dated August 7, 2007:

1. The developer has an on-going relationship with the land owner for the purchase of the property and any easements required for the development of it. The drainage pond will have an easement that will be shown on the final plat map.
2. See the revised Engineering Report, calculations, and revised grading plan. Based on mass grading Lots 25-31 and creating the full roadway swale, the roadway swale has about 4X the volume capacity to handle the 2-yr, 24-hr storm before the stormwater overflows the roadway (2,385 cf versus 9,000 cf) and about 2X the volume capacity to handle the 100-yr, 24-hr storm (4,579 cf versus 9,000 cf). None of the building pads will be affected under either event. See the limits of the stormwater as colored on the grading plan.
3. See comments for #2
4. Detailed grading plan is provided with this application.

RECEIVED
AUG 14 2007

WGM GROUP, INC

EXHIBIT A-5

Ravalli County, Montana

November 15, 2006

Denis Applebury
Applebury Survey
914 Hwy 93
Victor, MT 59875

Subject : Market Place II
 Preliminary Plat

Dear Denis:

The Market Place II preliminary plat shows 31 lots with an average lot size of less than one-half acre. Thus, the required parkland dedication would be eleven percent of the 10.75 acre subdivision or a little over one acre. Since this is smaller than a desired size for a neighborhood park, the Ravalli County Park Board concurs with your proposal to pay cash-in-lieu to meet your park obligation.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron

For

Gary Leese

Chairperson,

Ravalli County Parks Board

cc: Karen Hughes
 Director, Ravalli County Planning Department

Corvallis School District

P.O. Box 700 / 1045 Main
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

EXHIBIT A-6

OCT 18 2007
IC-07-10-1335
Ravalli County Planning Dept.

Daniel B. Sybrant
Superintendent
961-4211

Trevor Laboski
Principal
High School
961-3201

Jason Wirt
Assistant Principal
High School
961-3201

Rich Durgin
Principal
Middle School
961-3007

Eric Larson
Assistant Principal
Middle School
961-3007

Janice Stranahan
Principal
Primary School
961-3261

Virginia Haines
Special Services
Director
961-3201

Russ Hendrickson
Technology Director
961-3201

Wendy Ihde
Curriculum Director
961-8772

Vannesa Bargfrede
Business Manager
District Clerk
961-4211

October 17, 2007

Mr. Tristan Riddell
Planning Department
215 South 4th Street, Suite F
Hamilton Montana 59840

Agency Comment on Market Place II, 31 lot- Major Subdivision

Dear Mr. Riddell:

Thank you for the opportunity to comment on this subdivision. New subdivisions certainly create added costs to this school district. Not only is there cost for operations, but facilities as well. The Corvallis School District has recently completed an Impact Fee Study that allows up to \$7300 per septic permit for school construction. In addition to this, we have significant costs for operations for each additional student that comes into the district. I have enclosed for your review an estimate of what it costs to educate children in the Corvallis School District. For this and future subdivision requests, we ask you and the commissioners to negotiate a fair fee with developers that will help offset the actual costs of educating additional children. We also ask for appropriate bus turnouts as well as shelters for students to stand under in inclement weather where appropriate.

Again, thank you for the opportunity to comment on this subdivision.

Sincerely,

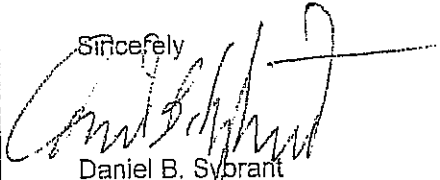

Daniel B. Sybrant
Superintendent
Corvallis School District

EXHIBIT A-7

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,718	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

USE for all
districts.

EXHIBIT A-8

SEP 13 2005

Hamilton Rural Fire DISTRICT

Consensus of All Valley Fire
Council.
Ravalli County Planning Dept.
IC-05-09-1707
Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

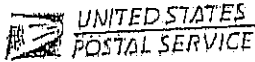
EXHIBIT A-9

BIG SKY DISTRICT
GROWTH MANAGEMENT

JUN 11 2007

Ravalli County Planning Dept.

IC-07-06-729



June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

Randy Ffrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Ffrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Ffrick [mailto:rrfrick@ravallcounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBUs) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

EXHIBIT A-10

Application Packet Checklist

G:\Subdivision Re

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information For MDA 76-8-622			
Name of Subdivision: <i>Unit 10, Phase II</i>			
Subdivider/Landowner Name(s): <i>Mr. Ed Johnson</i>			
Consultant Name: <i>RAM Engineering</i>			
Date Received: <i>7-7-06</i>		Sufficiency Review Due Date: <i>8-1-06</i>	
Yes	No	N/A	Item
(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.			
<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEH for their \$50.00 sufficiency review fee.
			(a) Vicinity Map or Plan
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:
		<input checked="" type="checkbox"/>	(A) flood plains
		<input checked="" type="checkbox"/>	(B) surface water features
		<input checked="" type="checkbox"/>	(C) springs
		<input checked="" type="checkbox"/>	(D) irrigation ditches
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems
		<input checked="" type="checkbox"/>	(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);
		<input checked="" type="checkbox"/>	(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.

Public wastewater collection system

RECEIVED

AUG 14 2006
1C-06-08-1296
Ravalli County Planning Dept.

Application Packet Checklist

G:\Subdivision Review 101 attachments\ROEH suff chklist 051106

Yes	No	N/A	Item	Additional Information/Staff comments
✓			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	public wastewater collection system
		✓	(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	✓
		✓	(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	✓
		✓	(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	✓
		✓	(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
✓			(i) obtained from well logs or testing of onsite or nearby wells;	
		✓	(ii) obtained from information contained in published hydrogeological reports; OR	
		✓	(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
✓			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
		✓	(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Wagner



EXHIBIT A-11

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravalliacounty.mt.gov

OG-06-12-1277

December 6, 2006

Terry Nelson
Applebury Survey
914 US Hwy 93
Victor, MT 59875

RE: Waiver of Floodplain Analysis for Market Place II Subdivision
Parcels #158830/158800, Geocodes #1468-05-2-01-39-0000/1468-05-2-01-28-0000

Dear Mr. Nelson,

We have completed our review for a waiver of the requirement for a full floodplain analysis according to Section 3-1-5 (a) (xlili) of the effective Ravalli County Subdivision Regulations for the above proposed subdivision. We have determined the following:

1. The northeastern portion of the proposed subdivision is separated from Willow Creek by approximately 500 horizontal feet.
2. The proposed subdivision is not significantly elevated above Willow Creek; however the majority of the subject property is located well over 500 feet from the creek.
3. The subject property is further separated from Willow Creek by several roads and structures that exist to the north of the proposed subdivision.
4. The proposed subdivision is located entirely within the Painted Rocks Dam Inundation area and is approximately 1,500 horizontal feet from the mapped 100-year Bitterroot River Floodplain.

Given the close proximity of the proposed residential lots to Willow Creek and the Bitterroot River Floodplain, it is strongly recommended that the property owners obtain flood insurance. (The opportunity to obtain discounted flood insurance is a privilege of the citizens of Ravalli County as standard homeowner's insurance policies do not cover flood damages.)

Given the information cited above and the material presented in your application, we believe that it is reasonable to waive the requirement for a full floodplain analysis as outlined in Section 3-1-5 (a) (xlili). Consequently, your waiver request is granted for this project.

If you have any questions, please feel free to contact our office.

Sincerely,

Laura Hendrix, CFM
Ravalli County Floodplain Administrator

Karen Hughes
Ravalli County Planning Director

Cc: Correspondence File - General
Tristan Riddell, Ravalli County Planner
Floodplain Waiver File

**Montana Fish,
Wildlife & Parks****RECEIVED**OCT 16 2007
IC-07-10-1318
Ravalli County Planning Dept.Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
October 15, 2007Tristan Riddell
Ravalli County Planning Department
215 S. 4 St., Ste. F
Hamilton, MT 59840

Reference: Market Place 1 (Nelson; Man Enterprises)--Proposed major (31 lots on 10.8 acres) subdivision, Corvallis

Dear Mr. Riddell:

We have reviewed the preliminary plat and topographic for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>). Based on evaluating this information and our field knowledge of this location, we note and recommend the following.

Although the proposed subdivision is located just outside Corvallis, there are nearby agricultural fields and irrigation ditches, and Willow Creek, the Bitterroot River and extensive associated riparian areas are nearby. We believe there is a general likelihood of human/wildlife interactions at this location. In particular, wildlife such as white-tailed deer, fox, skunk, and magpie could be found in the area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species would also be found nearby. We believe that "living with wildlife" issues should be conveyed as part of the covenants to future residents in this subdivision, in order to help them deal with and avoid potential wildlife issues. We have enclosed our recommended version of such covenants.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Rose for". The signature is written in dark ink and is positioned above the typed name of the signatory.

Mack Long
Regional Supervisor

ML/sr

Enclosure: "Living with Wildlife" covenants

C: Applebury Survey, Attn: Terry Nelson, 914 Hwy 93, Victor, MT 59875

Covenants for Market Place 2 (Nelson; Man Enterprises) subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; October 15, 2007

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. Birdseed is an attractant to bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. Pet food should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. When feeding pets do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. Barbecue grills should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. Compost piles can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (county commissioners).